

IN RE: PETITION FOR SPECIAL HEARING
SW/S Parktowne Road, 1380' SE
of Harford Road
(3053 Parktowne Road)
9th Election District
4th Councilmanic District

Michael P. Quigley, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 95-119-SPH

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Hearing for that property known as 3053 Parktowne Road, located in the vicinity of Parkville in eastern Baltimore County. The Petition was filed by the owners of the property, Michael P. and Jennifer B. Quigley. The Petitioners seek approval of the use of an accessory structure (detached garage) on the subject property for a custom jewelry studio, which shall be maintained for the purpose of servicing wholesale accounts, as a home occupation. The subject property, existing improvements thereon, and the relief requested are more particularly described on the site plan submitted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the public hearing on behalf of the Petition were Michael and Jennifer Quigley, property owners, Stephen A. Page, and Mark A. Faber, Esquire, attorney for the Petitioners. Appearing as Protestants in the matter were several residents from the surrounding community, including Douglas and Anna Lauf, adjoining property owners.

Testimony and evidence offered revealed that the subject property consists of 0.1085 acres, more or less, zoned D.R. 5.5 and is improved with a two-story dwelling and detached garage. Mr. Quigley testified that he and his wife have owned the subject property for the past 4 years. He testified that he is in the business of designing and manufacturing unique pieces of custom jewelry for various jewelry dealers in the Baltimore

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Date

By

MICROFILMED

Metropolitan area. Testimony indicated that Mr. Quigley's operation is a wholesale operation in that he does not have a retail showroom for the jewelry he makes. Mr. Quigley testified that he has been engaged in this business for the past 18 years and that it is the primary source of his livelihood. Testimony indicated that he previously had an office in Baltimore City, but due to increased costs in overhead, he moved his office to his garage on the subject property in June, 1994.

Mr. Quigley submitted into evidence as Petitioner's Exhibits 1A through 1D photographs depicting the exterior of the garage and the workshop contained therein. Mr. Quigley testified that his operation consists of himself, his partner, Mr. Steve Page, and one other employee. Petitioner's Exhibit 1D depicts various work benches where the custom jewelry is manufactured by these gentlemen. Mr. Quigley testified that the general hours of operation are from 10:00 AM until 5:00 PM, and that occasionally, he will work until the later hours of the evening.

On cross-examination by the adjacent property owners, Mr. Quigley testified that he uses oxygen, propane, and acetylene gases in his business. These gases are used to fuel torches which in turn mold and shape the jewelry that Mr. Quigley manufactures. The neighbors present had concerns over the use of these flammable gases and the operation of a commercial enterprise in this residential neighborhood. Further testimony revealed that Mrs. Quigley operates a small day care center in their home. The Quigley's also raise two small children of their own, ages 2 and 4. Mr. Quigley would like the opportunity to maintain his business within the garage and has requested the special hearing to approve same as a home occupation.

Also testifying on behalf of the Petition was Jennifer Quigley.

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Date

By

Mrs. Quigley testified concerning her day care operation which consists of 5 children, including her own 2 children. Mrs. Quigley testified that her day care facility does not conflict with her husband's business and that she has informed the parents of the three children that she watches about her husband's commercial operation. She testified that none of the parents had any objections to her husband operating his business within the garage.

Appearing and testifying in opposition to the Petitioners' request were several residents from the surrounding community. Mr. Douglas Lauf, Jr., the adjoining property owner, testified that the garage in which the Petitioner operates his business is located just 15 feet from his home. Mr. Lauf is concerned over the storage and use of flammable gases inside the garage and believes that they present a possible danger to his residence. Mr. Lauf is also concerned over the noise that is generated by the Petitioner when he is working late at night in the garage. Further testimony indicated that there is some pick-up and delivery which occurs on the property as a result of the Petitioner's business.

Also testifying in opposition to the Petitioner's request were various other residents of the surrounding community, namely Joseph Tivvis, Henry Dreier, Guy Duncan and Joseph Taafe, Sr. All of these gentlemen testified in opposition to the Petitioners' request, basically corroborating the testimony of Mr. Lauf in that they are concerned over the use of flammable gases inside the garage. Furthermore, they are concerned about commercial encroachment in a residential neighborhood and believe that this type of business should not be permitted in a residential community.

It is important to note that the Petitioner's request for special

hearing is to approve this operation as a home occupation. The definition of a home occupation, as found on Page 1-19 of the Baltimore County Zoning Regulations (B.C.Z.R.), is as follows:

"Any use conducted entirely within a dwelling which is incidental to the main use of the building for dwelling purposes and does not have any exterior evidence, other than a permitted sign, to indicate that the building is being utilized for any purpose other than that of a dwelling; and in connection with which no commodity is kept for sale on the premises, not more than one person is employed on the premises, other than domestic servants or members of the immediate family, and no mechanical equipment is used except such as may be used for domestic purposes. A "Home Occupation" does not include fortune-telling." (B.C.Z.R., 1955, Bill No. 124, 1978 and No. 27, 1981).

The Petitioner has attempted to classify his operation as a home occupation; however, a "home occupation" as defined in the B.C.Z.R. must be conducted entirely within the Petitioner's dwelling, which is not the case in this particular instance. The testimony was clear that the Petitioner operates his business out of the detached garage on the property. Therefore, the Petitioner cannot classify his operation as a "home occupation" and as such, his request for approval of same must be denied.

Pursuant to the advertising, posting of the property, and public hearing on this Petition held, and for the reasons set forth above, the relief requested in the special hearing must be denied.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 6th day of December, 1994 that the Petition for Special Hearing to approve the use of an accessory structure (detached garage) on the subject property for a custom jewelry studio which shall be maintained for the purpose of servicing wholesale accounts, as a home occupation, be and is hereby DENIED.


TIMOTHY M. KOTROCO

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

December 6, 1994

(410) 887-4386

Mark A. Faber, Esquire
8 East Mulberry Street
Baltimore, Maryland 21202

RE: PETITION FOR SPECIAL HEARING
SW/S Parktowne Road, 1380' SE of Harford Road
(3053 Parktowne Road)
9th Election District - 4th Councilmanic District
Michael P. Quigley, et ux - Petitioners
Case No. 95-119-SPH

Dear Mr. Meadows:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been denied in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. & Mrs. Michael Quigley, 3053 Parktowne Road, Baltimore, Md. 21234
Mr. & Mrs. Douglas Lauf, Jr, 3055 Parktowne Road, Baltimore, Md. 21234
Mr. Joseph Tivvis, 3046 Parktowne Road, Baltimore, Md. 21234
Mr. Guy Duncan, 3048 Parktowne Road, Baltimore, Md. 21234
Mr. Joseph Taafe, 3058 Parktowne Road, Baltimore, Md. 21234
Mr. Ernest Leo, 3054 Parktowne Road, Baltimore, Md. 21234
People's Counsel; File

MICROFILMED





Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at

3053 Parktowne Road

which is presently zoned

D.R. 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

the use of an accessory building (i.e. detached garage) as a custom jewelry studio to be maintained for the purpose of servicing wholesale accounts.
(AS A HOME OCCUPATION)

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

Mark A. Faber
(Type or Print Name)

Signature

8 East Mulberry St. 410-539-4676

Address

Phone No.

Baltimore, Maryland 21202

City

State

Zipcode

Legal Owner(s):

Michael P. Quigley

(Type or Print Name)

Signature

Jennifer B. Quigley

(Type or Print Name)

Signature

3053 Parktowne Rd. 410-882-0009

Address

Phone No.

Baltimore, Md. 21234

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

Stephen A. Page

Name

3053 Parktowne Rd. 410-668-0520

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY: gjm

DATE

9-28-94

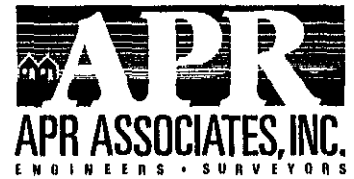
118

ALREADY FILED

ORDER RECEIVED FOR FILING

Date

By



Alexander P. Ralych, Prof. L.S.
Paul K. Francis, P.E.
Paul A. Ralych, Prop. L.S.
John S. Smith, P.E.

DESCRIPTION OF PROPERTY
TO ACCOMPANY PETITION FOR SPECIAL HEARING
3053 PARKTOWNE ROAD
BALTIMORE COUNTY, MARYLAND

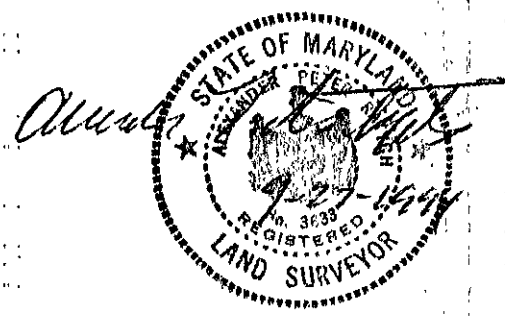
95-115-8H

BEGINNING FOR THE SAME at a point on the Southwest side of Parktowne Road, 50 feet wide, at the distance of 1379.73 feet Southeasterly from the corner formed by the intersection of the Southwest side of said Parktowne Road with the Southeast side of Harford Road, thence binding along said road South 38 degrees 37 minutes East 45.00 feet; thence leaving said road and running South 51 degrees 23 minutes West 105.00 feet; thence North 38 degrees 37 minutes West 45.00 feet and then North 51 degrees 23 minutes East 105.00 feet to the point of beginning.

BEING LOT No. 3053, Section "A" in the subdivision of Parktowne, recorded in Baltimore County Plat Book # 12, Folio 77, containing 4725 square feet or 0.1085 acres more or less. Also known as 3053 Parktowne Road in the ninth district.

09/27/94
PKTWN.DSC

118



7427 Harford Road
Baltimore, Maryland 21234-7160
(410) 444-4312
Fax: (410) 444-1647

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

95-119-SPH

District: 9th Date of Posting: 10/15/94
Posted for: Special Hearing
Petitioner: Michael & Jennifer Quigley
Location of property: 3053 Park Tower Rd, S4/S
Location of Signs: Facing roadway on property being zoned
Remarks: _____
Posted by: M. Shady Date of return: 10/21/94
Signature
Number of Signs: 1



RECEIVED

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #95-119-SPH
(Item 118)
3053 Parktown Road
SW/S Parktown Road,
1380' +/- SE of nearest
side of Harford Road
9th Election District
4th Councilmanic
Petitioner(s):

Michael P. Quigley and
Jennifer B. Quigley
Hearing: Wednesday,
November 2, 1994 at
9:00 a.m. in Rm. 106,
County Office Building.

Special Hearing to approve
the use of an accessory building (detached garage) as a custom jewelry studio to be maintained for the purpose of servicing wholesale accounts (as a home occupation).

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call 887-3353.

(2) For information concerning the File and/or Hearing, Please Call 887-3391.
10/125 Oct. 13.

CERTIFICATE OF PUBLICATION

TOWSON, MD.,

Oct. 14, 1994

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Oct. 13, 1994.

THE JEFFERSONIAN,

A. Henickson

LEGAL AD. - TOWSON

~~Printed Name~~

10/13/94



118
Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Date

9-28-94

Account: R-001-6150

Number

504

MICHAEL QUIGLEY 3053 PARKDAVE RD.

ADJ. HRC. (030)
POSTING (080)

50.00

35.00

15.00

95-119-54A

RECEIVED
BALTIMORE COUNTY
ZONING DEPARTMENT
SEP 29 1994

CLERK'S OFFICE
BALTIMORE COUNTY

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

95-119-SPA

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighbor property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 118

Petitioner: Michael Quigley

Location: 3053 PARKTOWNE RD. BALTO, MD. 21234

PLEASE FORWARD ADVERTISING BILL TO:

NAME: SAME

ADDRESS: _____

PHONE NUMBER: 668-0520

AJ:ggs

(Revised 04/09/93)

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

OCTOBER 7, 1994

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-119-SPH (Item 118)
3053 Parktowne Road
SW/S Parktown Road, 1380'+/- SE of nearest side Harford Road
9th Election District - 4th Councilmanic
Petitioner(s): Michael P. Quigley and Jennifer B. Quigley
HEARING: WEDNESDAY, NOVEMBER 2, 1994 at 9:00 a.m. in Room 106, County Office Building.

Special Hearing to approve the use of an accessory building (detached garage) as a custom jewelry studio to be maintained for the purpose of servicing wholesale accounts (as a home occupation).

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon
Director

A handwritten file number "95-119 SPH" in cursive script.

cc: Michael and Jennifer Quigley
Mark A. Faber, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

Mark A. Faber
8 East Mulberry Street
Baltimore, Maryland 21202

OCT. 31 1994

RE: Case No. 95-119SPH. Item No.118
Petitioner: Michael P. Quigley

Dear Mr. Faber:

The Zoning Advisory Committee (ZAC) has reviewed the plans submitted with the above-referenced petition, which was accepted for filing on September 28, 1994 and scheduled for a hearing accordingly. Any attached comments from a reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the hearing file.

The following is related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office:

1. The director of the Office of Zoning Administration and Development Management has instituted a system whereby zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions' filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.
2. Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is the possibility that another hearing will be required or the zoning commissioner will deny the petition due to errors or incompleteness.
3. Those individuals who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72-hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e., 72 hours, will result in the forfeiture loss of the filing fee.

If you have any questions concerning the enclosed comments, please feel free to contact Joyce Watson in the zoning office at 887-3391 or the commenting agency.

Sincerely,

A handwritten signature in cursive script that reads "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jnw
Enclosure(s)

MICROFILMED



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: ZADM

DATE: 10/18/94

FROM: DEPRM
Development Coordination

SUBJECT: Zoning Advisory Committee
Agenda: 10/11/94

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 113
114
116
117
118
119
120
121
123
124

LS:sp

LETTY2/DEPRM/TXTSBP

MICROFILMED

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: October 17, 1994
Zoning Administration and Development Management

FROM: *Pub* Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for October 17, 1994
Items 113, 115, 118, 120, 122, 123 and 124


The Developers Engineering Section has reviewed
the subject zoning items and we have no comments.

RWB:sw

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Director 
Office of Planning and Zoning

DATE: October 11, 1994

SUBJECT: 3053 Parktowne Road

INFORMATION:

Item Number: 118
Petitioner: Quigley Property
Property Size: _____
Zoning: D.R. 5.5
Requested Action: _____
Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

The proposed use raises the following concerns based upon the information provided:

- The studio will not be housed entirely within a dwelling as required by Section 101 of the Baltimore County Zoning Regulations;
- No indication regarding the frequency of deliveries has been indicated; and
- The vague description of the proposed use reveals no definitive information regarding potential retail sales or direct delivery and pick-up of jewelry.

Prepared by: Jeffrey M. Long
Division Chief: Daryl L. Kerns

PK/JL:lw

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 10/10/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: MICHAEL P. QUIGLEY & JENNIFER B. QUIGLEY

LOCATION: SW/S PARKTOWN RD. 1380' S/E OF NEAREST SIDE HARFORD RD.
(3053 PARKTOWN RD.)

Item No. 118

Zoning Agenda: SPECIAL HEARING

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.

RECEIVED

OCT 11 1994

ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File





Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary

Hal Kassoff
Administrator

10-7-94

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County

Item No.: *4118 (JCM)*

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for

David Ramsey, Acting Chief
Engineering Access Permits
Division

BS/

OCT. 07 1994

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

MICROFILM

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
3053 Parktowne Road, SW/S Parktown	*	ZONING COMMISSIONER
Road, 1380'+/- SE of nearest side	*	OF BALTIMORE COUNTY
Harford Road, 9th Election Dist.,	*	
4th Councilmanic	*	
Michael P. Quigley, et ux.	*	CASE NO. 95-119-SPH
Petitioners	*	
* * * * *		

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of October, 1994, a copy of the foregoing Entry of Appearance was mailed to Mark A. Faber, Esquire, 8 E. Mulberry Street, Baltimore, MD 21202, attorney for Petitioners.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

10/20/94

118

9-28-94

NOTE TO FILE:

- Applicant will submit original petition.
- Applicant advised DRS. 5 setbacks 10', not 15' as shown on plan.

95-119-SPH

Joe M.

Post-It Fax Note 7672

To **Commissioner of Zoning**

Company

Location

Fax #

Comments

Telephone #

No. of Pages

Today's Date

Time

From

Company

Location

Fax #

Original

Disposition

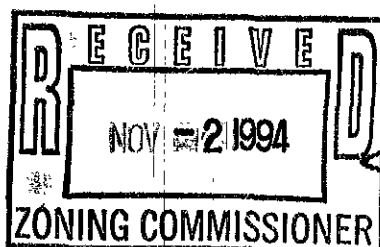
Ernest Leo, Sr.**(Resident: 3054 Parktowne Rd)**

Dept. Charge

396-4222**396-3376****RE: HEARING FOR 11/2/94; 10:00 AM****PETITIONER: QUIGLEY, 3054 Parktowne Rd., 21234****TO: Commissioner of Zoning****RE: Hearing for November 2, 1994; 10:00 am (Petitioner: Quigley, 3054 Parktowne Road) Request To Allow Operation of Jewelry Making Business in Garage****FROM: Ernest Leo, Resident at 3054 Parktowne Road****DATE: 11/2/94**

I would like to take this opportunity to voice my very strong objection to any proposed changes in current zoning which would permit the resident (Mr. Quigley) at the above listed address to operate a business out of his garage. I feel that this would create a nuisance (increased traffic, additional noise) and a potential safety hazard to the neighborhood. I question the safety of allowing the storage of oxygen/acetylene tanks in the immediate vicinity necessary for the operation of such a business when there are many small children in the immediate neighborhood. I note also that the Quigleys manage a day-care business from their home.

The proximity of numerous small businesses along the Hartford Road corridor between Taylor Avenue and Putty Hill offers Mr. Quigley ample opportunities to secure a more suitable (and competitive) location for his business. If allowed, Mr. Quigley's operations would "mar" this area's relative island of seclusion and SIGNIFICANTLY alter the stability of the neighborhood which I so carefully sought when purchasing my residence. Therefore, I strenuously oppose the Quigley's request for any zoning modifications.



Sincerely,

Ernest Leo**3054 Parktowne Road
Baltimore, MD 21234****(H) 882-6282****(W) 396-3376**

MICROFILMED

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Michael Quigley
Jennifer Quigley
Stephen P. Page

3053 PARKTOWN RD
3053 PARKTOWN RD
2817 PINEWOOD



Printed with Soybean Ink
on Recycled Paper

MICROFILMED



(Handwritten signature)

ADDRESS

3046 Parktowne Rd

ll ll ll

3048 Parktowne Rd

3041 PARKTOWNE Rd.

3058 PARKLOUNE RD.

3058 PARKYOUNG RD

3055 PARKTOWNE Rd.

3055 PARK TOWNE RD

PROPOSALS
EXHIBIT NO. 1A

3040 Parktowne Road
Baltimore, MD 21234

County Zoning Commission
Baltimore County, MD

Gentlemen:

The purpose of this letter is to express our opposition to a pending rezoning application for the property at 3053 Parktowne Road in Parkville, Baltimore County, MD. It is our understanding that the intent of this application is to permit a retail business to operate from a single family home in our neighborhood that is currently (and appropriately) zoned residential.

Our opposition to this rezoning action derives from concerns in three primary areas; safety, traffic and parking, and diminishment of nearby property values. As I am sure you are aware, the owners of the aforementioned property wish to establish a retail handicrafts business in addition to the day-care facility operated at this address. The handicrafts business has already partially displaced the day-care facility to the recently enclosed front yard.

In addition to our obvious concerns about child and motorist safety due to reduced visibility (from the fence) and decreased distance from the children's play area to the highly travelled Parktowne Road, there are concerns as to whether the house in question meets the applicable Fire Safety Codes for its intended commercial uses and whether these uses are, in fact, compatible. Primary among the life safety considerations are a safe means of emergency egress from the day-care facility and whether the handicraft shop (in which flammable materials are used and stored) has the appropriate electrical wiring and fixtures (i.e., explosion proof) and appropriate fire barriers (walls or distance) from the day-care facility.

With regard to traffic and parking, it should be noted that the operation of two commercial businesses from a residence has added significantly to traffic volume on Parktowne Road. Also, residents of this neighborhood depend upon the availability of onstreet parking in that many only have single car driveways. Furthermore, the increased traffic and parking associated with these commercial activities have also noticeably increased noise levels in the community, often at very late hours.

Lastly, the above noted issues, combined with the generally disheveled and unkempt appearance of the subject property, are cause for concern due to their possible impacts upon property values within our community. Admittedly, issues such as poor property maintenance do not generally fall within the scope of a zoning hearing. Yet, beyond the above noted safety and traffic concerns, the ongoing commercial activities seem directly linked to the unkempt appearance of this property.

Accordingly, we the undersigned strongly recommend that the subject rezoning request be denied.


Robert Noppenberger Margaret Noppenberger

MICROFILMED

KATHLEEN K. JUNG
3052 Parktowne Road
Baltimore, Maryland 21234

October 28, 1994

Mr. Douglas Lauf
3055 Parktowne Road
Baltimore, Maryland 21234

RE: Zoning Notice for 3053 Parktowne Road

Dear Doug:

I am writing to you as you requested with regard to the above situation with our neighbor at 3053 Parktowne Road and his request to have a jewelry business on his property -- more specifically in his garage. Unfortunately, I will not be in town for the hearing on November 2, 1994, so am writing to submit my objection to any rezoning of the neighborhood for a business.

The following are some of the objections I have with regard to the rezoning:

Additional traffic and parking in the area by employees and customers. At present, business hours seem to be at any time of the day or night with employee(s) cars parked not just in front of the home but in front of the neighbors homes. Not that there is any law against parking or where you part on the street, but it does present a problem when friends and families of the owners have to park elsewhere due to the fact that there is no other place to park. I believe it is called consideration for your neighbors!

From what I have heard and observed, it would seem that the building where the jewelry business is presently housed and operating, is a converted garage. It would seem doubtful that the building would meet any kind of building code let alone fire codes. I understand that there are chemicals used, as well as gases, which are subject to explosion and fire. If this is true, then there is concern for the distance of the homes to this business.

RECEIVED
EXHIBIT NO. 1B


There is already a day care center operating out of the home with very young children in attendance. Is the day care center also licensed for the care of young children and would the jewelry business have a conflict with the day care center considering the proximity of hazardous materials?

I very much object to the rezoning of this property as an approval would certainly open the doors for any kind or type of business to be opened in the neighborhood. Although, I doubt that this would happen considering the standards the neighbors have enjoyed for so many years.

If this zoning is passed, I would very strongly urge that it be appealed and would be very happy to join in that endeavor.

Thank you Doug for staying on top of this and having the courage to stand up for your neighbors.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Kathleen K. Jung', with a stylized flourish at the end.

Kathleen K. Jung

BRIDGET AND CHRISTOPHER QUINN
3056 Parktowne Road
Baltimore, Maryland 21234

Telephone No: (410) 668-0728

October 29, 1994

The Zoning Commissioner
Baltimore County Zoning Department
Baltimore, Maryland

Re: 3053 Parktowne Road
Baltimore, Maryland
Zoning Variance Application

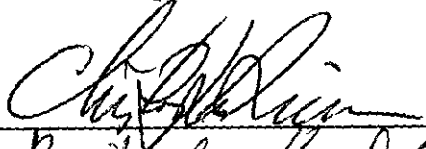
Dear Sir:

Bridget and Christopher Quinn would like to place on record our objection to the Zoning Variance Application for 3053 Parktowne Road by Mr. Quigley. We believe if this application is granted it will seriously damage the residential environment we now enjoy. Home business entities tend to cause an increase in daily traffic to and from the premises, necessitate the storage of supplies, including chemicals, and create a target for possible criminal activity.

We strongly recommend that this zoning variance application be denied.

Thank you for your consideration,

Yours truly,


Bridget Quinn

**PROTESTANT'S
EXHIBIT NO. 10**

October 30, 1994

Dear Mr. Lauf:

I couldn't agree with you more in your fight to keep our neighborhood strictly residential. The points which you mentioned against allowing Mr. Quigley to operate his jewelry business are all well founded.

Some additional thoughts that I have also involve traffic volume, and the location of the garage on Mr. Quigley's property. As you know, I'm the father of two small children. Several years ago Baltimore County traffic officials changed the traffic pattern of Texas Ave. Since this street was used as the main feeder road into and out of Double Rock Park, the county changed it to one direction into the park. Not being able to return out on the same route, traffic volume has already increased on Parktowne Rd. I personally don't need anymore fears for by children's safety which by allowing a business to operate in this residential area will bring.

I realize that the garage in question already existed when Mr. Quigley purchased his home. It is my understanding that the rear of the garage extends into Baltimore County's right of way in the rear. Extending over the small stream located in the right of way prohibits Baltimore County from meeting it's obligation of keeping the entire stream free from debris and weed over growth. Those individuals who also have this stream located behind their homes would like County officials to be able to meet this obligation, and not have to worry how high water will rise. Thereby eliminating the possibility of their property eroding away.

Lastly, with the close proximity of Harford Rd. to the property in question, I see no real reason why it couldn't be located in one of the empty storefronts there. They are already properly zoned and a jewelry store would most likely be a welcome addition to that business community. We bought our home for the type of residential setting we now enjoy, and would very much like to keep it that way.

Sincerely,

Lawrence S. Fowler

Lawrence S. Fowler

**PROTESTANT'S
EXHIBIT NO. 15**

MICROFILMED

PROTESTANTS
EXHIBIT NO. 1-E.

11-1-94

To Whom it may concern,

In regard to Mr Doug Lay's letter about the business being operated from 3053 Parktowne Rd I am writing to let you know I am completely against it. I have no problem at all with someone operating a business out of their home, but when they have two and three employees and are operating at odd hours of the day and night this presents a problem. The fact that they are working with highly flammable materials out of a wood structured garage and only twenty feet or so from their neighbors is unacceptable. I have lived on Parktowne Rd since 1987 and have lived one block away on Woodside Ave from 1961 to 1987 and I love this neighborhood. I know many people in the area and I know they would also be against this business at 3053 Parktowne Rd. This is a residential neighborhood where the same families have lived for years. I strongly oppose a variance or any type of rezoning to make 3053 Parktowne Rd a commercial business. I have small children and if my husband and I wanted to live in a commercial area we would have bought a house on Hayford Rd or on Pulaski Hwy etc. If there were any way I could attend the meeting

with Mr. Gay and my neighbors I would gladly
do so but this is not possible. I am hopeful my
writing this letter to you is the same as my being there.

Sincerely,

Barb Larkin
3042 Parkstone Rd.



Nelson Coleman and Sons, Ltd.
FIFTH GENERATION JEWELERS

CUSTOM DESIGN

DIAMONDS

ESTATE

333 N CHARLES ST. (AT PLEASANT ST)
BALTIMORE, MARYLAND 21201-4353

TELEPHONE: (410) 539-3136
FAX: (410) 539-7512

November 1, 1994

TO WHOM IT MAY CONCERN:

Mike Quigley and Steve Page have a long standing and good relationship with Nelson Coleman and Sons, Ltd. Our firm commissions these artists to make one of a kind pieces of Jewelry.

Sincerely,


Mark S. Coleman


Carl C. Coleman

MSC/sag

PETITIONER'S
EXHIBIT 2



PARKTOWNE ROAD (50 FT. WIDE)

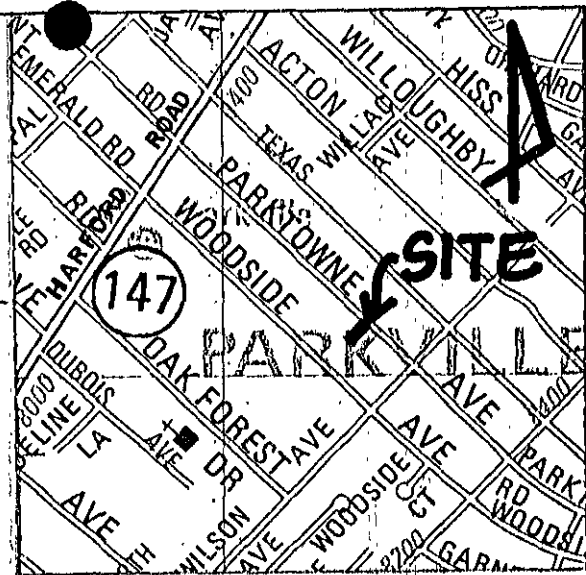
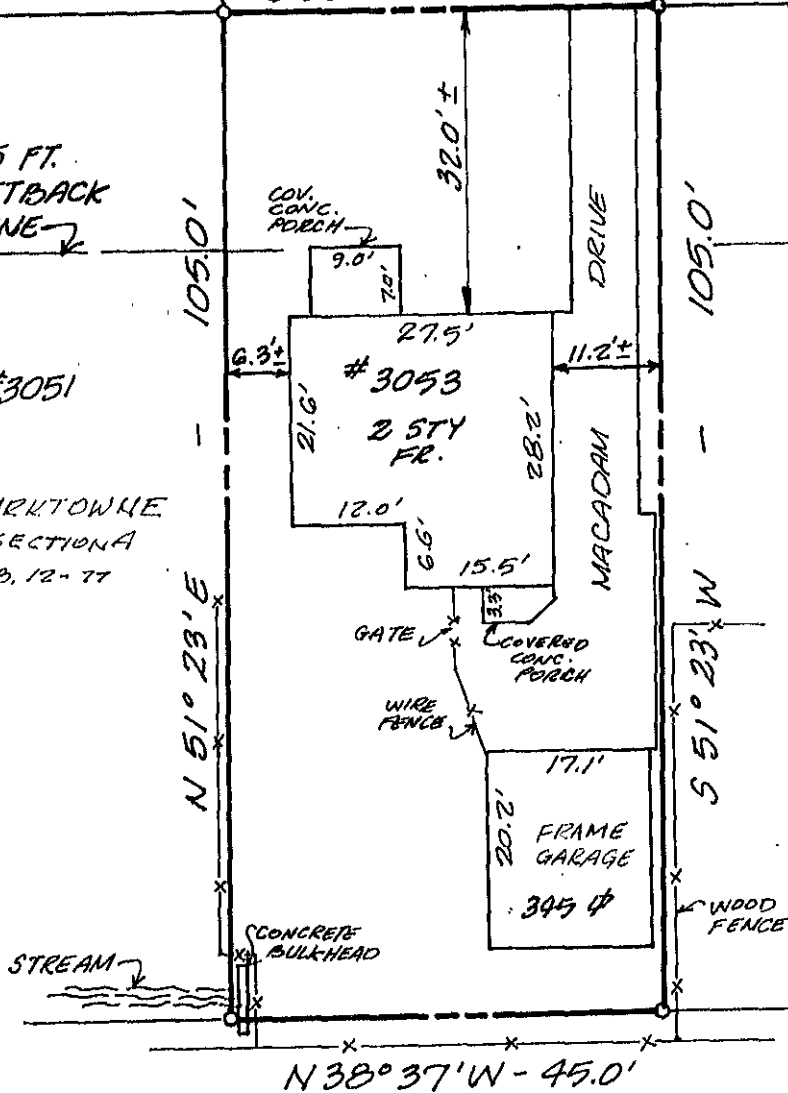
1,379.73 FT. TO
HARFORD ROAD

S 38°37'E - 45.0'

25 FT.
SETBACK
LINE

#3051

PARKTOWNE
SECTION A
P.B. 12-77



VICINITY MAP

#3055 SCALE: 1"=1,000'

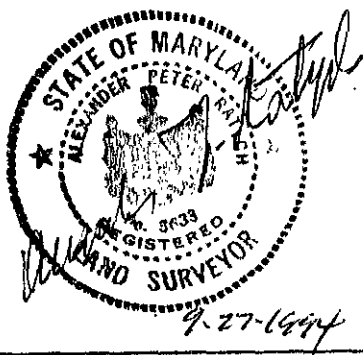
GENERAL NOTES

1. THE OUTLINE OF THE BOUNDARY WAS PLOTTED FROM DEEDS AND OTHER SOURCES AND IS NOT A SURVEY.
2. THE SUBJECT PROPERTY IS ZONED D.R.5.5. PER BALTIMORE COUNTY 1992 COMPREHENSIVE ZONING MAP.
3. TAX MAP , GRID , PARCEL
4. TAX ACCOUNT # 14-13-022500
5. DEED REFERENCE: C.W.B. JR. 12/77
6. COUNCILMANIC DISTRICT: 6
7. EXISTING USE: GARAGE
8. PROPOSED USE: STUDIO
9. MINIMUM BUILDING SETBACKS:
FRONT - 25'
SIDE - 15'
REAR - 30'
10. EXISTING PUBLIC WATER & SEWER LINES
11. OWNERS:
MICHAEL P. QUIGLEY AND
JENNIFER B. QUIGLEY his WIFE
3053 PARKTOWNE ROAD
BALTIMORE, MD. 21234
12. AREA OF PROPERTY:
4,725 sq.ft. or 0.1085 Ac.±

PETITIONER'S EXHIBIT 3

118

95-119-SPH



APR
APR ASSOCIATES, INC.
ENGINEERS • SURVEYORS
7427 Harford Road • Baltimore, Maryland 21234-7160
(410) 444-4312 • FAX: (410) 444-1647

PLAT TO ACCOMPANY PETITION
FOR SPECIAL HEARING

3053 PARKTOWNE ROAD
9TH ELECTION DISTRICT
BALTIMORE, MARYLAND

1" = 20' SEPT/ 27 / 1994
SCALE: DATE

94096

1
2

PARKTOWNE
ROAD

HARFORD
ROAD

X
LOT WIDTH - 45' INCLUDING DRIVE
LOT DEPTH - UNKNOWN

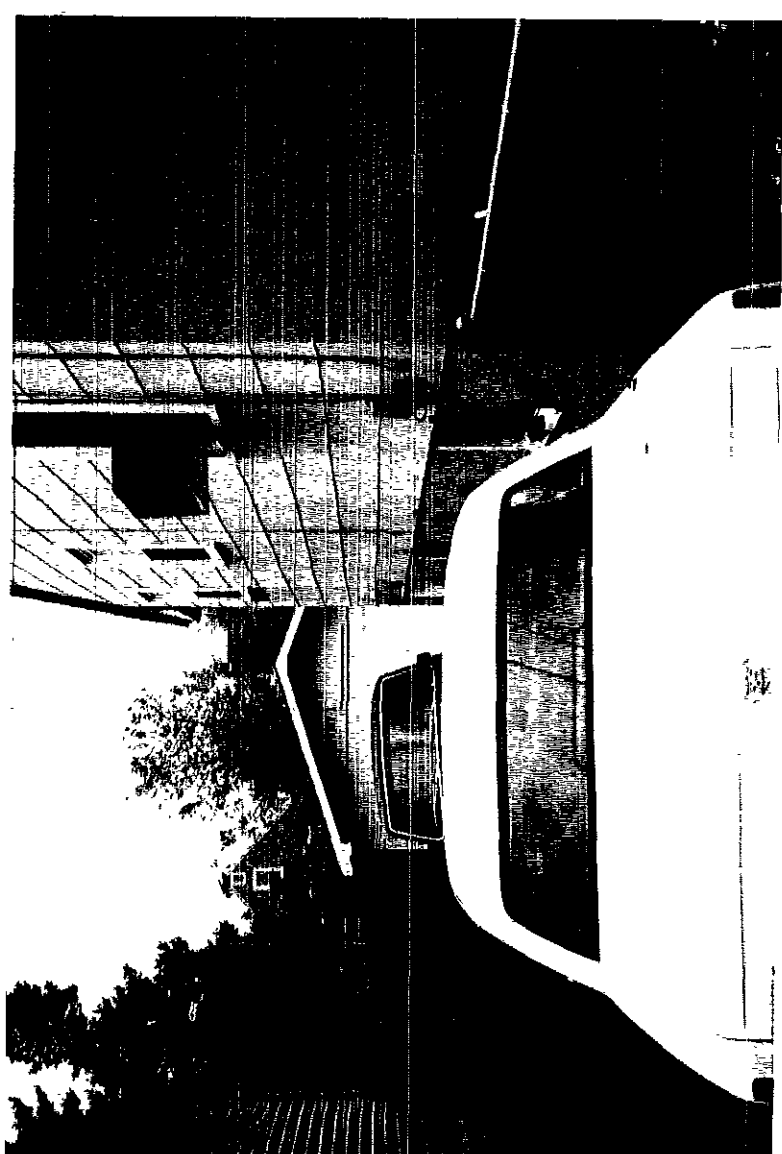
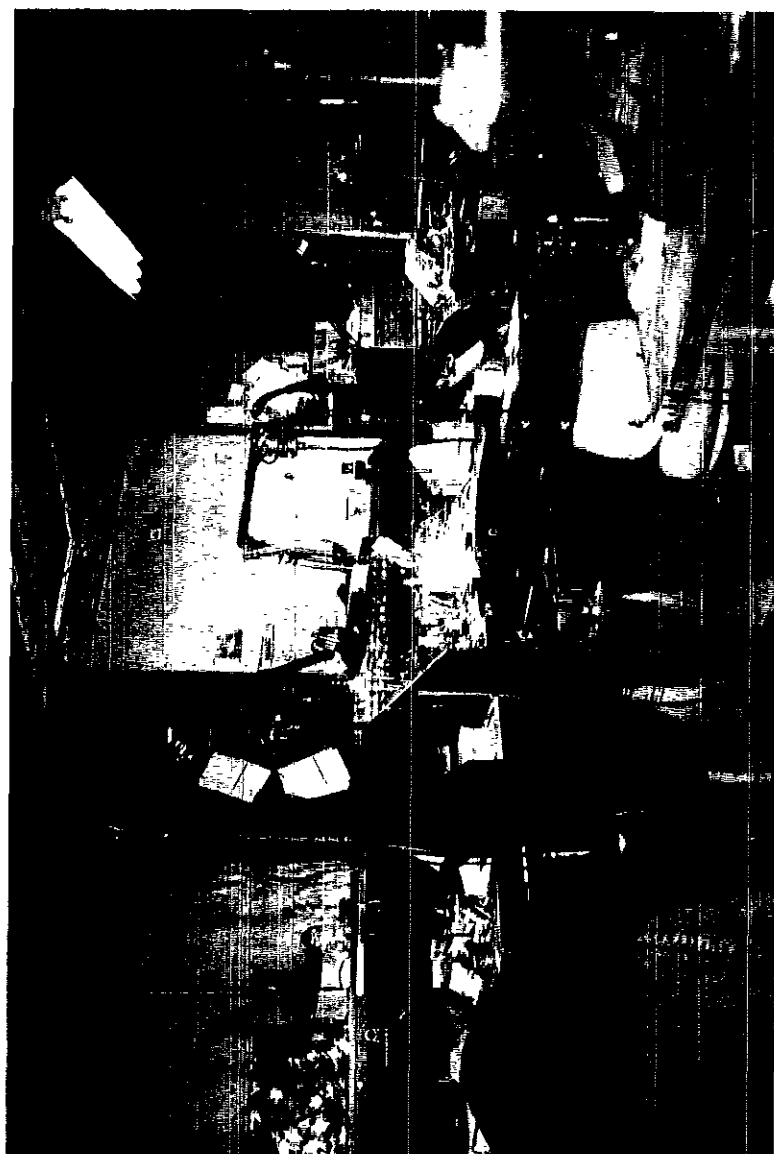
24' CURB TO CURB

WILSON
AVENUE

MICROFILMED

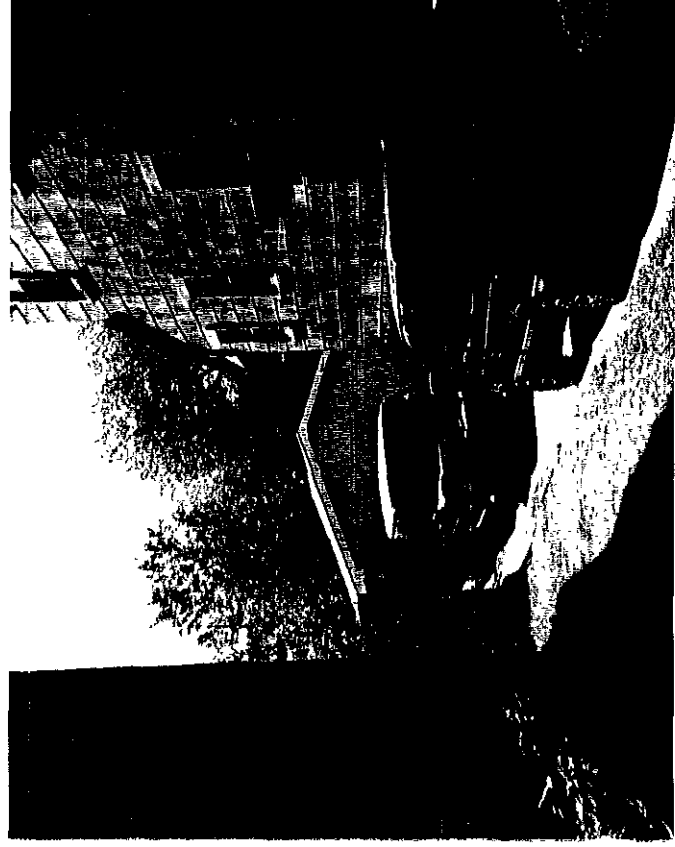
NOT DRAWN
TO SCALE

PETITIONER'S EXHIBITS 1 A - D

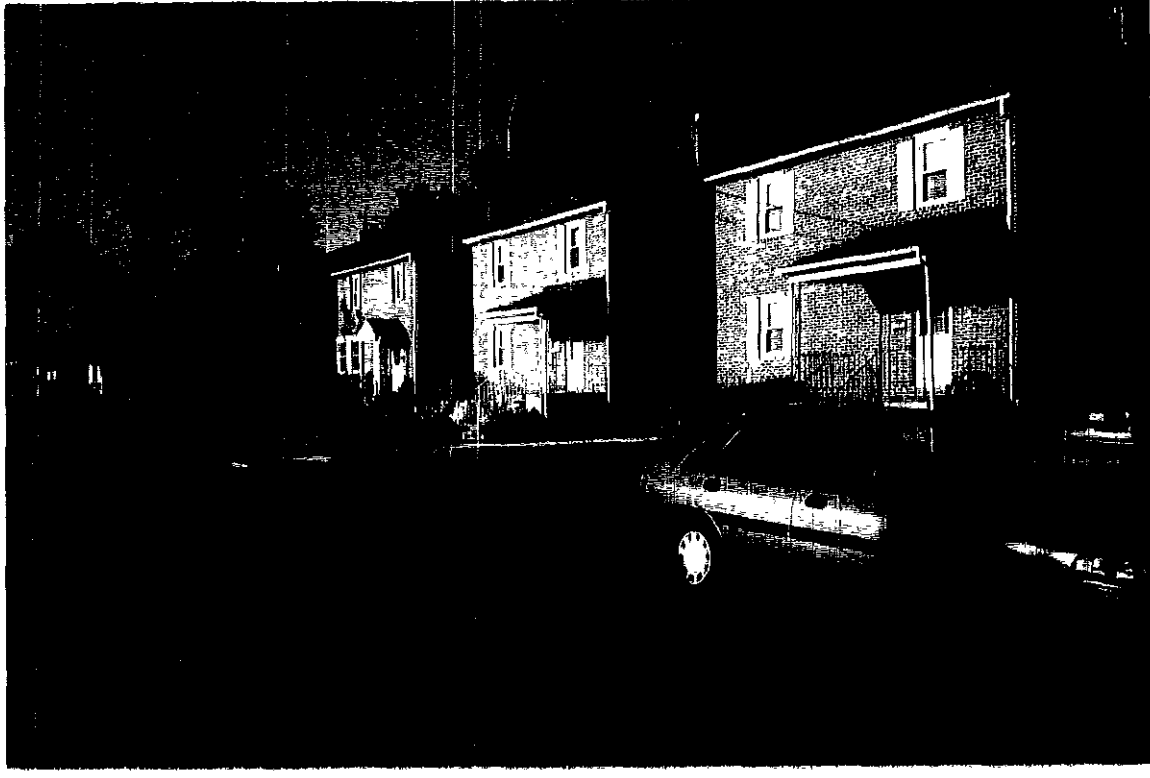




3A



3C

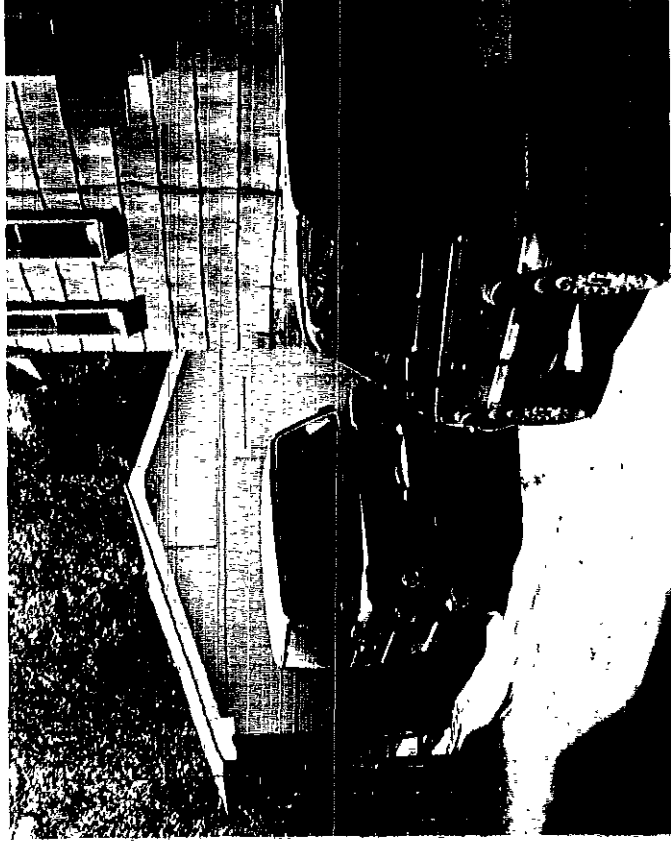


2A

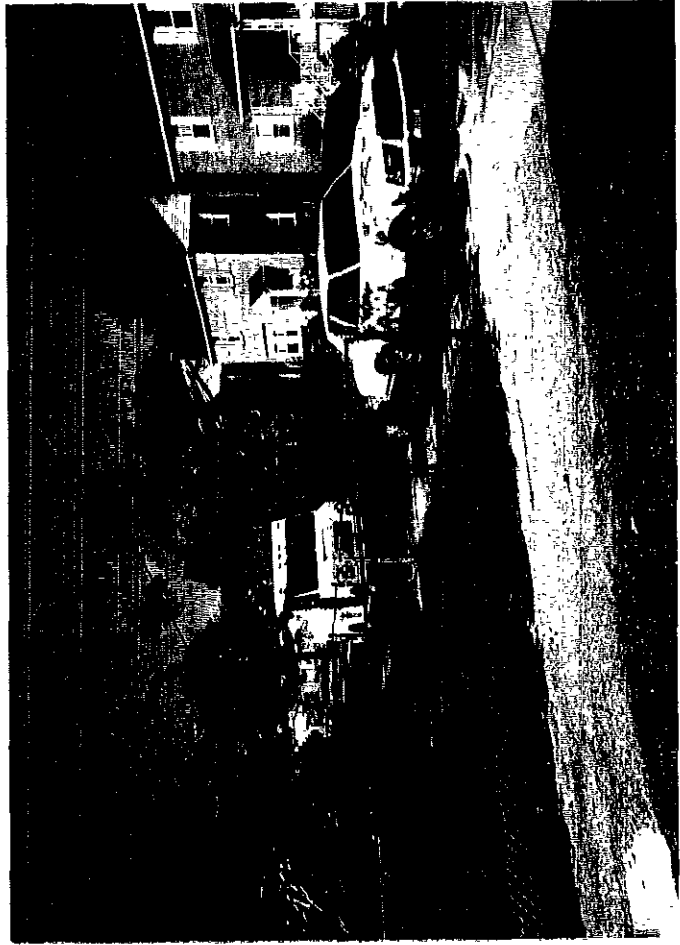
PROTESTANT'S EXHIBITS



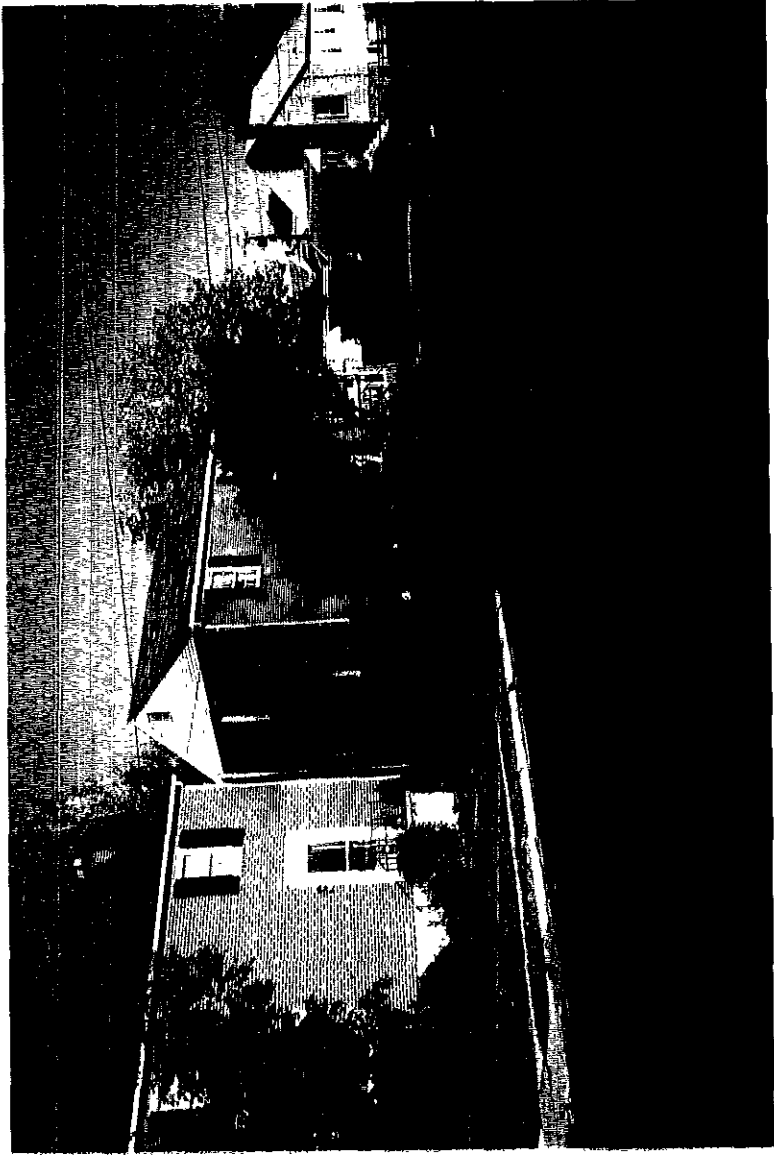
3B



3D



2B



2D



2C



2E



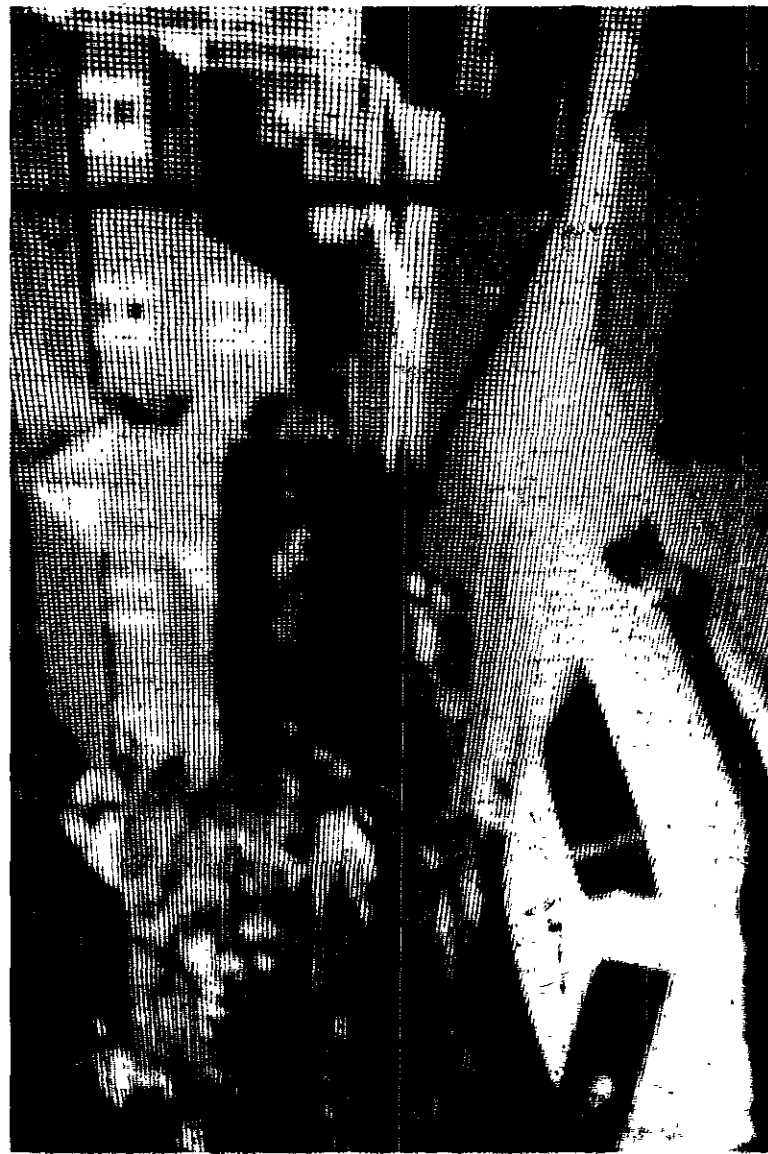
2H



2I



2F



2G



2L

2M

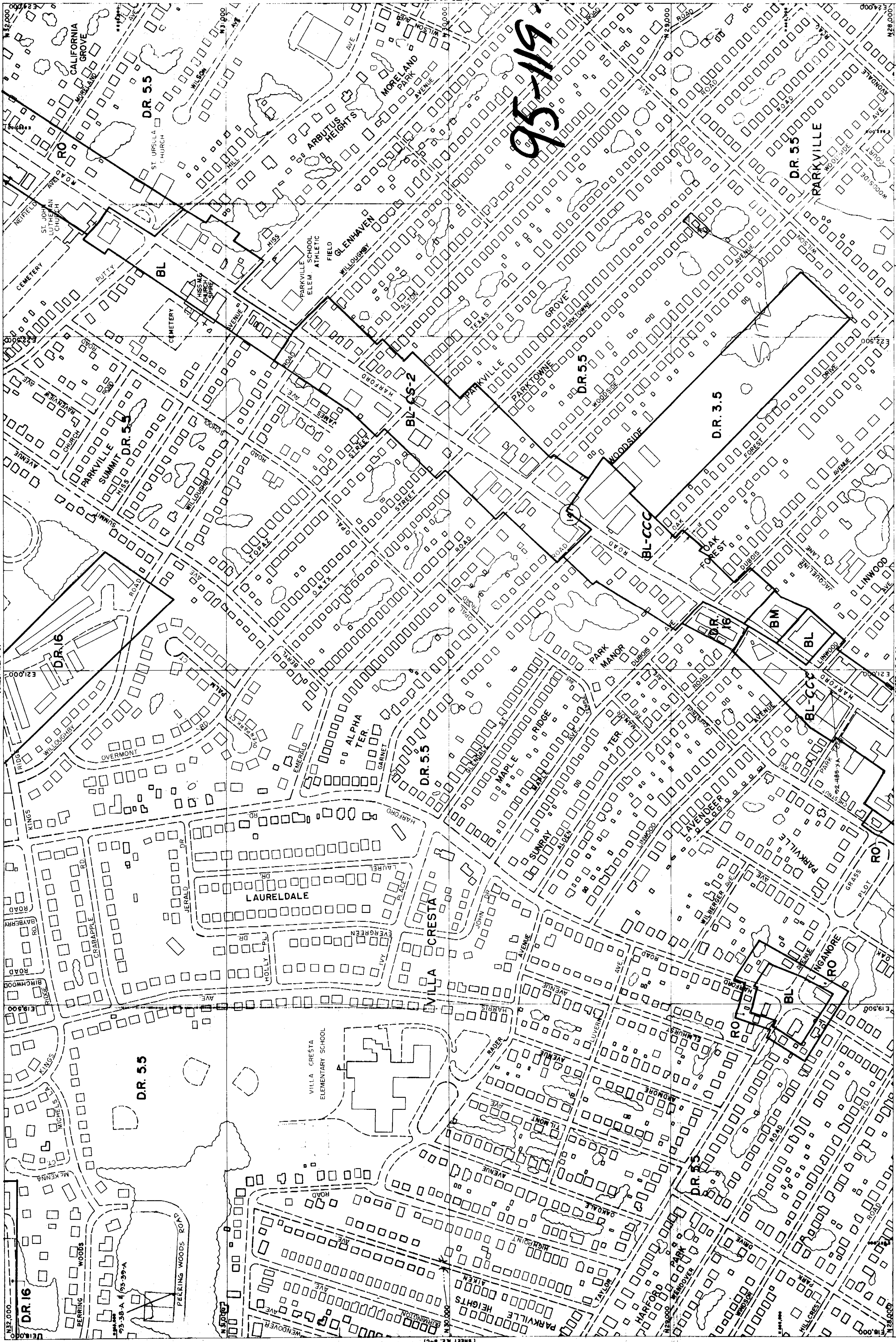


2J



2K





BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992

SCALE
1" = 200' ±

LOCATION
PARKVILLE

NE.
8-D

DATE OF PHOTOGRAPHY
JANUARY 1986

William J. Hunsley
Chairman, County Council

THIS MAP HAS BEEN REVISED IN SELECTED AREAS
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

118
MICROFILMED